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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/764,394	12/11/96	WATANABE	H 7217/52300

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EXAMINER	
NGUYEN, C	
ART UNIT	PAPER NUMBER
2732	12

DATE MAILED: 11/19/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/764,394

Applicant(s)
Watanabe et al.

Examiner
Chau T. Nguyen

Group Art Unit
2732



☒ Responsive to communication(s) filed on Sep 10, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 3-6 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 3-6 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The corrected or substitute drawings were received on 08/21/98. These drawings are approved.
2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, lines 13 and 21, "said digital audio signal" lacks antecedent basis.

Claim 5 has the same problem.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwami et al. (Iwami) in view of Slaughter et al. (Slaughter) and Eckley.

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In U.S. patent No. 5,604,737 Iwami discloses a plurality of communication terminals 10 (first and second telephone sets) connected to a server 20 for communicating voice using data packets. The claimed CPU's read on the processor 17 located in each terminal 10. See Fig. 1, 2 and col. 7 and 8. Iwami does not teach assigning addresses to the terminals, a modem and connection control means for connecting the processors 17 (CPU) of the terminals 10 to the server 20 to a telephone network.

In U.S. patent No. 5,598,536 Slaughter teaches a terminal 12 which accesses a remote server 16 over the telephone line 22 with a modem 24 (Fig. 1 and col. 3, lines 30-44). Slaughter also teaches assigning IP addresses to terminal 12 (col. 4, lines 13-16). To use a modem for remote accessing a server and assigning addresses to the terminals 10 would have been obvious to one of ordinary skill in the art because: (1) it is common knowledge in the art that if Local Area Network connecting terminals to a server is not available, terminals are often connected to a server via a telephone line; and (2) Iwami explicitly suggests the use of TCP/IP protocol for transmitting voice over data network (Iwami, col. 17, lines 44-48), and the TCP/IP protocol requires IP addresses assigned to terminals for communications (Slaughter, col. 3, lines 64-66).

Regarding the connection control means, in U.S. patent No. 4,740,963 Eckley shows a multiplexer/demultiplexer 49 and a modem 50 91 for connecting voice and data terminals to a single telephone line. See Fig. 2 and col. 4. In view of Eckley, to

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use a multiplexer/demultiplexer in combination with a modem for connecting a plurality of processors 17 in the terminals 10 to a telephone line would have been obvious to one of ordinary skill in the art with the motivation being to simultaneously transmit/receive data from a plurality of sources over a single telephone line; thereby, utilizing communication resources.

5. Claims 4 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

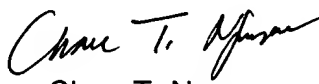
6. Applicant's arguments with respect to claims 3 and 5 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau T. Nguyen whose telephone number is (703) 308-5340. The examiner can normally be reached on Monday through Friday from 7AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Olms, can be reached on (703) 305-4703. The fax phone number for this Group is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

C. Nguyen
(703)308-5340


Chau T. Nguyen
Primary Examiner